

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BERKELEY) CASE NO.
)
MATTHEW T. HERRON,)
)
Plaintiff,)
)
vs.) SUMMONS
) (Jury-Premises Liability -Negligence)
SUNOCO, INC. & MDC COAST II LLC,)
Defendants.)
)

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber at her office, 180 Meeting Street, Suite 305, Charleston, SC 29401, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint, and judgment by default will be rendered against you.

By: s/Caroline West
CAROLINE WEST, ESQ.
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ATTORNEY FOR PLAINTIFF

December 29, 2020

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BERKELEY) CASE NO.:
)
MATTHEW T. HERRON,)
)
Plaintiff,)
)
v.) COMPLAINT
) (Jury-Loss of Consortium-
) Bystander-Negligence)
SUNOCO, INC. & MDC COAST II LLC,)
Defendants.)
)

THE PLAINTIFF ABOVE NAMED, complaining of the Defendants alleges:

1. Plaintiff is a resident and citizen of the State of South Carolina.
2. Defendants Sunoco, Inc. and MDC COAST II LLC are each business entities and/or business organizations which operate a gas station and store and/or own property located at 429 St. James Avenue, Goose Creek, SC 29455.
3. A substantial part of the alleged acts or omissions giving rise to this cause of action occurred in Berkeley County, South Carolina
4. That on December 30, 2017, Plaintiff and his wife were lawfully on the premises and property of Defendants set forth above using the premises in the process of purchasing gasoline on Defendants' property at Defendants' business; at such time, while walking towards the gasoline pump outside of the store, by and through the negligence, carelessness, recklessness, willfulness and wantonness of the Defendants, jointly, severally, and/or in the alternative, the Plaintiff's wife was caused to slip and fall; in a slippery substance on the ground, resulting in severe and permanent injuries to Plaintiff's wife all of which Plaintiff perceived, resulting in injuries and damages as hereinafter set forth.

5. The negligence, carelessness, recklessness, willfulness, and wantonness of the Defendants, jointly, severally, and/or in the alternative, proximately caused the aforementioned occurrence and the injuries and damages hereinafter set forth and consisted, among other things, of the following:

- a. In allowing the area where Plaintiff's wife was located to be covered with a slippery substance on the ground without adequate warning and/or protective barrier and or protective means to protect from slipping and falling when the Defendants knew, or should have known, that this area was a common area and that a highly dangerous condition was created and existing for those in proximity of said area;
- b. In allowing the ground to be covered with a slippery substance, without adequate warnings and/or without a protective barrier or other protective means to protect from slipping and falling, thereby creating a hidden danger to the Plaintiff's wife, when the Defendants knew or should have known of the dangerous condition then and there existing;
- c. In failing to provide adequate warning and instructions as to the hazardous condition of the ground/common area;
- d. In failing to warn or adequately warn the Plaintiff 's wife of the hidden danger then and there existing;
- e. In creating an unreasonably dangerous and hazardous condition by owning property and/or placing the substance on the ground for the purpose of absorbing gasoline without providing any warning of the dangerous condition;
- f. In failing to properly inspect the premises when Defendants knew, or should have known, that the public area at which Plaintiff 's wife slipped and fell was in close proximity thereby creating a dangerous and hazardous condition;
- g. In allowing the ground to remain in an inherently dangerous condition resulting from Defendants creating said condition, and Defendants' failure to inspect, maintain and/or take any action to insure the ground was guarded or otherwise protected, when Defendants knew or should have known of the inherently dangerous condition caused thereby; and
- h. In failing to exercise that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances and or reasonable precautions to prevent the condition and occurrence and resulting injuries and damages to the Plaintiff's wife, all of which Plaintiff perceived, resulting in injuries and damages to Plaintiff.

6. That the negligence, carelessness, recklessness, willfulness and wantonness of the Defendants, jointly, severally, and/or in the alternative, caused the aforementioned occurrence and the resulting injuries and damages to the Plaintiff's wife, all of which Plaintiff perceived, resulting in injuries and damages to Plaintiff.

7. That by reason of and in consequence of the foregoing and as a direct and proximate result of the negligence carelessness, recklessness, willfulness and wantonness of the Defendants, jointly, severally, and/or in the alternative, Plaintiff's wife was caused to slip and fall on the slippery ground, as a result of which she sustained severe, permanent and disabling injuries in and about her entire body and damages, all of which Plaintiff perceived, as a consequence and a direct and proximate result thereof, Plaintiff has suffered and will in the future suffer injuries and damages, including but not limited to, emotional distress and physical injuries, the loss of companionship, fellowship, aid, assistance, comfort, company, society, and services of his wife, and has otherwise been damaged.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly severally, and/or in the alternative in such amount as will fully, fairly, and justly compensate her for actual damages, and for such punitive damages as the jury may find, together with the cost of this action.

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